

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MICHAEL WEST,

Petitioner,

vs.

ALAN B. STAHL,

Respondent.

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Case No. 4:06-CV-646 (JCH)

ORDER

The matter is before the Court on Respondent's Motion for Reconsideration (Doc. No. 24), filed September 12, 2007.

In his motion, Respondent asks this Court to dismiss Petitioner's habeas petition because he is no longer in the county jail. (Doc. No. 24). The Court will deny this request because Petitioner still appears to be on bail, meaning that the "in custody" requirement of 28 U.S.C. § 2254 is still met. See Hensley v. Mun. Court, San Jose Milpitas Judicial Dist., 411 U.S. 345, 353 (1971); accord Kumarasamy v. Attorney Gen. of the United States, 453 F.3d 169, 172 (3d Cir. 2006).

Accordingly,

IT IS HEREBY ORDERED that Respondent's Motion for Reconsideration is **DENIED**.

IT IS FURTHER ORDERED that Respondent shall show cause, in writing and within forty-five (45) days of the date of this order, why the relief requested in the instant petition should not be granted.

Dated this 14th day of February, 2008.

/s/ Jean C. Hamilton

UNITED STATES DISTRICT JUDGE